

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RICO ISAIH HAIRSTON,

Plaintiff,

v.

**Case No. 2:17-cv-581
Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Chelsey M. Vascura**

**FRANKLIN COUNTY SHERIFF'S
OFFICE CENTER 1 MAIN JAIL, *et al.*,**

Defendants.

ORDER

This matter is before the Court for consideration of Plaintiff's Objection to the Magistrate Judge's November 29, 2017 Order and Report and Recommendation. The Magistrate Judge recommended dismissal of two Defendants, Sergeant McDowell and Major P. Bryant upon an initial screen pursuant to 28 U.S.C. § 1915(e)(2) because 18 U.S.C. § 1983 does not support claims brought under the theory of *respondeat superior*. *Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009). The Magistrate Judge has allowed the Plaintiff to proceed on his First Amendment legal mail claim against Defendant Franklin County Sheriff's Office Center Main 1 Jail and Defendant Burke.

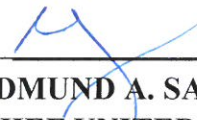
In his Objection, Plaintiff reasserts the same claims against the dismissed Defendants, including his claim against Defendant McDowell for allegedly losing one of Plaintiff's grievances or otherwise because he has not yet received an adjudication on a filed grievance. (Objection at 2, 6, ECF No. 38.) As explained in the Report and Recommendation, "there is no

inherent constitutional right to an effective grievance procedure.” *Argue v. Hofmeyer*, 80 F. App’x 427, 430 (6th Cir. 2003) (citation omitted).

For these reasons and the reasons articulated in the Report and Recommendation, the Court **OVERRULES** Plaintiff’s Objection (ECF No. 38) and **ADOPTS** the Order and Report and Recommendation. (ECF No. 36.) Accordingly, Defendants McDowell and Bryant are **DISMISSED**. As the Magistrate Judge granted, Plaintiff may proceed in his Complaint against Defendant Franklin County Sheriff’s Office Center Main 1 Jail and Defendant Burke.

IT IS SO ORDERED.

12-21-2017
DATE


EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE